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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,000	10/15/2003	Hisham Khartabil	NOKM.066PA	4883
7590 Hollingsworth & Funk, LLC Suite 125 8009 34th Avenue South Minneapolis, MN 55425			EXAMINER NGUYEN, BRIAN D	
			ART UNIT 2616	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/16/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/686,000	KHARTABIL ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Brian D. Nguyen	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 06 November 2006.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-4, 6-29 and 31-35 is/are rejected.
- 7) Claim(s) 5 and 30 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 15 October 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All
  - b) Some \*
  - c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 6-29, and 31-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Gourraud et al (2004/0006623).

Regarding claims 1-2, Gourraud discloses a method for routing communication requests targeted for a user (user Bob 210) over a network (see figure 3), comprising: subscribing a network entity (CSCF 216) to presence information of the user (see presence information related to the user in the presence server in paragraph 0038 and the subscribe message in paragraph 0048), the presence information indicating conditions under which the user may be contacted (see paragraphs 0038 and 0049); receiving at least one notification at the subscribing network entity indicating a state of the presence information of the user (see notify message in paragraph 0049); and creating routing instructions for routing incoming communication requests targeted for the user, based on the state of the presence information (see paragraphs 0038 and 0045).

Regarding claim 3, Gourraud discloses storing the routing instructions for reference by the network entity upon receipt of the incoming communication requests targeted for the user (see contact database 217 in figure 3 and paragraph 0045).

Regarding claim 4, Gourraud discloses creating a routing script and storing the routing script for reference by the network entity upon receipt of the incoming communication requests targeted for the user (see contact database 217 in figure 3 and paragraph 0045).

Regarding claim 6, Gourraud discloses receiving one or more notifications at the subscribing network entity indicating a change of state of the presence information (see paragraphs 0049, 0083, and 0086).

Regarding claim 7, Gourraud discloses receiving a notification at the subscribing network entity indicating a state of the presence information at the time of the subscription of the network entity to the presence information (see paragraphs 0049, 0083, and 0086).

Regarding claim 8, Gourraud discloses registering one or more terminal applications with the network entity, and wherein subscribing the network entity to presence information of the user comprises subscribing the network entity to the presence information of the user in response to the registration of the one or more terminal applications (see paragraph 0045).

Regarding claim 9, Gourraud discloses publishing the presence information of the user (see paragraphs 0048 and 0049).

Regarding claim 10, Gourraud discloses publishing the presence information via a presence application server (see presence server 232 in figures 3 and 5).

Regarding claim 11, Gourraud discloses subscribing the network entity to the presence information at the presence application server (see presence server 232 in figures 3 and 5).

Regarding claim 12, Gourraud discloses receiving a notification at the subscribing network entity from the presence application server indicating a state of the presence information of the user (see notification message 312 from the presence server 232 in figures 3).

Regarding claim 13, Gourraud discloses the network includes an IP Multimedia core network Subsystem (IMS) network and the network entity includes a Serving Call Session Control Function (S-CSCF) (216), and wherein subscribing the S-CSCF to presence information of the user comprises providing a Session Initiation Protocol (SIP) SUBSCRIBE message (308) from the S-CSCF to a presence application server (232) to which the presence information of the user is published (see figure 3).

Regarding claim 14, Gourraud discloses receiving at least one SIP NOTIFY message at the S-CSCF from the presence application server (see notify message 312 in figure 3).

Regarding claims 15-25, claims 15-25 are method claims that have substantially the same limitations as the method claims 1-14. Therefore, they are subject to the same rejection.

Regarding claims 26-29, claims 26-29 are apparatus claims that have substantially the same limitations as the method claims 1, 2, 4, and 13. Therefore, they are subject to the same rejection.

Regarding claims 31-34, claims 31-34 are system claims that have substantially the same limitations as the method claims 1-3, 9, and 13. Therefore, they are subject to the same rejection.

Regarding claim 35, claim 35 is a computer software claim that has substantially the same limitations as the method claim 1. It is subject to the same rejection.

#### *Allowable Subject Matter*

3. Claims 5 and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

4. Applicant's arguments filed 11/6/06 have been fully considered but they are not persuasive.

The applicant argued that Gourraud does not teach routing information based on a state of the presence information. The examiner disagrees because this limitation is clearly taught, for example, in paragraph 0038 where the call is routed based on presence information related to the user and stored in the presence server and in paragraphs 0045 and 0049 where the routing information including, for example, bob.name@niceprovider.com and

bob.pc@niceprovider.com. Regarding claim 3, the applicant argued that Gourraud refers only to a contact database that stores an association between a user's public ID and contact IDs.

However, these database entries are merely data and could not be construed as "instruction".

The examiner disagrees because paragraph 0045 teaches of using bob.mobile@niceprovider.com to reach the terminal 210, using bob.laptop@niceprovider.com to reach the PC terminal 212, and using bob.laptop@niceprovider.com to reach the laptop terminal 214 are all routing instructions.

Claim 3 merely claims storing the routing instructions for reference by the network entity without specifically claiming what types of information are included in the routing instruction and how the information is used for routing. The routing instructions mentioned above are also stored for reference by the network entity. In addition, paragraph 0049 teaches of checking terminal availability. Therefore, if it determines that shows that Bob is available at only one terminal, then the call will be routed to that particular terminal. Regarding claim 8, the applicant argued that Gourraud does not expressly or inherently describe registering one or more terminal

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applications with the network entity. The examiner disagrees because the application server is shown in figure 3 and its functions are described in the corresponding paragraphs. The registration is described in paragraph 0045, for example, each user registered with the CSCF (network entity)).

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

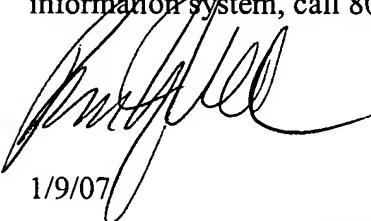
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian D. Nguyen whose telephone number is (571) 272-3084. The examiner can normally be reached on 7:30-6:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571) 272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



1/9/07

Van NGUYEN  
PATENT EXAMINER